



Rep. John E. Bradley

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1 AMENDMENT TO HOUSE BILL 278

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 278 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Open  
5 Operating Standard Act.

6 Section 5. Findings and purposes.

7 (a) The General Assembly finds that:

8 (1) the State of Illinois data portal,  
9 data.illinois.gov, empowers the public to access and  
10 utilize public data collected and maintained by the State  
11 of Illinois and the federal government;

12 (2) the State of Illinois is committed to being a  
13 national leader in improving access to public data sets for  
14 all citizens and encouraging entrepreneurs and innovators  
15 to draw on this data for the benefit of all in the Land of  
16 Lincoln;

1           (3) the State and the municipalities of Illinois  
2 collect information and data on numerous topics, including  
3 services available to the residents of Illinois;

4           (4) finding and utilizing government data, which  
5 should be readily accessible, is often burdensome for both  
6 developers and the general public;

7           (5) government information should be organized with  
8 consistency and should be freely available; and

9           (6) meeting the State's commitment to providing open  
10 data will require the adoption of an open data operating  
11 standard and utilization of a cloud-based open data  
12 platform for the State's open data portal, coordinated  
13 strategic planning, where appropriate and feasible, by  
14 agencies as to enterprise application portfolio  
15 management, and will require the State to make its open  
16 data portal available to all units of government within the  
17 State, including, but not limited to, municipalities,  
18 counties, and public universities statewide, so that  
19 everyone may participate in the open data movement.

20           (b) The purposes of this Act are:

21           (1) to establish and implement a statewide commitment  
22 to fully adopting an open operating standard, because  
23 making public data available online using open standards  
24 will make the operation of government across the State of  
25 Illinois more transparent, effective, and accountable to  
26 the public, will streamline intra-governmental and

1 inter-governmental communication and interoperability,  
2 will permit the public to assist in identifying efficient  
3 solutions for government, will promote innovative  
4 strategies for social progress, and will create economic  
5 opportunities;

6 (2) to establish protocols for State agencies to make  
7 public data available online using open standards and a  
8 process establishing statewide information technology  
9 management standards, policies, and governance principles  
10 to enable the State to fully implement an open operating  
11 standard while managing existing information technology  
12 resources and capabilities with enhanced efficiency;

13 (3) to provide for coordinated strategic planning by  
14 State agencies with respect to application modernization,  
15 information technology, and telecommunication policy,  
16 pursuant to a consistent statewide enterprise portfolio  
17 strategy to maximize the amount of public data made  
18 available and ensure compliance with this Act; and

19 (4) to establish, in accordance with Executive Order  
20 2010-10, a policy under which each State agency will  
21 evaluate cloud computing options before making any new  
22 information technology or telecommunications investments.

23 Section 10. Definitions. As used in this Act:

24 "Cloud computing" has the meaning provided by Special  
25 Publication 800-145 issued by the National Institute of

1 Standards and Technology of the United States Department of  
2 Commerce.

3 "Data" means final versions of statistical or factual  
4 information: (a) in alphanumeric form reflected in a list,  
5 table, graph, chart, or other non-narrative form that can be  
6 digitally transmitted or processed; and (b) regularly created  
7 or maintained by or on behalf of and owned by an agency that  
8 records a measurement, transaction, or determination related  
9 to the mission of an agency. "Data" does not include  
10 information provided to an agency by other governmental  
11 entities, nor does it include image files, such as designs,  
12 drawings, maps, photos, or scanned copies of original  
13 documents, except that it does include statistical or factual  
14 information about such image files and shall include geographic  
15 information system data. "Data" does not include:

16 (1) data to which an agency may deny access pursuant to  
17 any provision of a federal, State, or local law, rule, or  
18 regulation, including, but not limited to, the Freedom of  
19 Information Act;

20 (2) data that contains a significant amount of  
21 information to which an agency may deny access pursuant to  
22 any provision of a federal, State, or local law, rule, or  
23 regulation and where redacting such protected data in order  
24 to publish the unprotected elements would impose undue  
25 financial or administrative burden on the agency;

26 (3) data that reflects the internal deliberative

1 process of an agency or agencies, including, but not  
2 limited to, negotiating positions, future procurements, or  
3 pending or reasonably anticipated legal or administrative  
4 proceedings;

5 (4) data stored on an agency-owned personal computing  
6 device, or data stored on a portion of a network that has  
7 been exclusively assigned to a single agency employee or a  
8 single agency owned or controlled computing device;

9 (5) materials subject to copyright, patent, trademark,  
10 confidentiality agreements, or trade secret protection;

11 (6) proprietary applications, computer code, software,  
12 operating systems, or similar materials;

13 (7) employment records, internal employee-related  
14 directories or lists, facilities data, information  
15 technology, internal service-desk and other data related  
16 to internal agency administration; and

17 (8) any other data the publication of which is  
18 prohibited by law.

19 "Open operating standard" means a technical standard  
20 developed and maintained by a voluntary consensus standards  
21 body that is available to the public without royalty or fee.

22 "Public data" means all data that is collected by any unit  
23 of State or local government pursuant to that entity's official  
24 responsibilities, that is otherwise subject to disclosure  
25 pursuant to the Freedom of Information Act, and that is not  
26 prohibited from disclosure pursuant to any other contravening

1 legal instrument, including, but not limited to, a superseding  
2 provision of federal or State law or an injunction from a court  
3 of competent jurisdiction.

4 "State agency" or "agency" means an agency, board, or  
5 commission of State government under the jurisdiction of the  
6 Governor.

7 "Strategic plan" means an organization's evaluation, over  
8 a period of up to 5 years, of its strategy and direction,  
9 including a framework for decision-making with respect to  
10 resource allocation to achieve defined goals.

11 "Voluntary consensus standards body" means an organization  
12 that plans, develops, establishes, or coordinates voluntary  
13 consensus standards using agreed-upon procedures. A voluntary  
14 consensus standards body has the following attributes:  
15 openness; balance of interest; due process; an appeals process;  
16 and consensus.

17 Section 15. Chief Information Officer; open operating  
18 standard.

19 (a) There is created within the Office of the Governor a  
20 Chief Information Officer for the State. The Chief Information  
21 Officer shall serve at the pleasure of the Governor and shall  
22 receive such compensation as the Governor shall determine. The  
23 Chief Information Officer shall coordinate with each State  
24 agency to develop, using any existing or newly available  
25 resources and technology, appropriate systems to accurately

1 report public information.

2 (b) The Chief Information Officer shall establish an open  
3 operating standard, to be known as "Illinois Open Data", for  
4 the State of Illinois. Under this open operating standard, each  
5 agency of State government under the jurisdiction of the  
6 Governor shall make available public data sets of public  
7 information. Any unit of local government may adopt the State  
8 standard for itself.

9 (c) To implement this Act, the Chief Information Officer  
10 shall, by rule, establish policies, standards, and guidance as  
11 provided herein. The Illinois Administrative Procedure Act is  
12 hereby expressly adopted and shall apply to all rulemaking by  
13 the Chief Information Officer under this Act.

14 In addition, the Chief Information Officer shall  
15 designate, with the approval of the Governor, a current  
16 employee of State government to act, in addition to his or her  
17 existing responsibilities, as the Deputy Chief Information  
18 Officer for Open Data.

19 Section 20. Function; protocol and compliance.

20 (a) Public data sets agencies make available on the  
21 Internet shall be accessible through a single web portal that  
22 is linked to [data.illinois.gov](http://data.illinois.gov) or any successor website  
23 maintained by, or on behalf of, the State of Illinois. If an  
24 agency cannot make all such public data sets available on the  
25 single web portal, the agency shall report to the Chief

1 Information Officer the public data set or sets it is unable to  
2 make available, the reasons why it cannot do so, and the date  
3 by which the agency expects those data sets to be available on  
4 the single web portal.

5 (b) Public data sets shall be made available in accordance  
6 with technical standards published by the Chief Information  
7 Officer. The technical standards shall be determined by the  
8 Chief Information Officer, in consultation with the Deputy  
9 Chief Information Officer for Open Data, subject matter experts  
10 from all State agencies, and representatives of units of local  
11 government, not-for-profit organizations specializing in  
12 technology and innovation, the academic community, and other  
13 interested groups as designated by the Chief Information  
14 Officer.

15 Public data sets shall be provided in a format that permits  
16 automated processing and that makes use of appropriate  
17 technology to notify the public of all updates. The Chief  
18 Information Officer shall, by rule, establish appropriate  
19 policies, procedures, and protocols for the coordinated  
20 management of the State's information technology resources.  
21 With the approval of the Office of the Governor, the Chief  
22 Information Officer may designate one or more persons to  
23 comprise the staff of the Office of the Chief Information  
24 Officer in order to carry out the duties set forth in this Act.

25 Public data sets shall be updated as often as is necessary  
26 to preserve the integrity and usefulness of the data sets, to

1 the extent that the agency regularly maintains or updates the  
2 public data set.

3 Public data sets shall be made available without any  
4 registration requirement, license requirement, or restrictions  
5 on their use, except that the agency may require a third party  
6 providing to the public any public data set, or application  
7 utilizing such data set, to explicitly identify the source and  
8 version of the public data set and a description of any  
9 modifications made to such public data set. Registration  
10 requirements, license requirements, or restrictions as used in  
11 this Section shall not include measures designed or required to  
12 ensure access to public data sets, to protect the single  
13 website housing public data sets from unlawful abuse or  
14 attempts to damage or impair use of the website, or to analyze  
15 the types of data being used to improve service delivery.

16 Public data sets shall be accessible to external search  
17 capabilities.

18 (c) Within 60 days after the effective date of this Act,  
19 the Chief Information Officer shall prepare and publish: (1) a  
20 technical standards manual for the publishing of public data  
21 sets in raw or unprocessed form through a single web portal by  
22 State agencies for the purpose of making public data available  
23 to the greatest number of users and for the greatest number of  
24 applications and shall, whenever practicable, use open  
25 standards for web publishing and e-government; and (2) as  
26 needed, portfolio management policies for ensuring compliance

1 with the requirements of this Act.

2 The manual shall identify the reasons why each technical  
3 standard was selected and for which types of data it is  
4 applicable, and may recommend or require that data be published  
5 in more than one technical standard. The manual shall include a  
6 plan to adopt or utilize a web application programming  
7 interface that permits application programs to request and  
8 receive public data sets directly from the web portal. The  
9 manual and related policies may be updated as necessary.

10 (d) The Chief Information Officer shall consult with units  
11 of local government, not-for-profit organizations with a  
12 specialization in technology and innovation, agencies of other  
13 states, academic institutions, and voluntary consensus  
14 standards bodies, and, when such participation is feasible, in  
15 the public interest, and compatible with agency and  
16 departmental missions, authorities, and priorities,  
17 participate with such bodies in the development of technical  
18 and open standards.

19 (e) Within 120 days after the effective date of this Act,  
20 each State agency shall submit a compliance plan, together with  
21 a draft long-term strategic enterprise application plan  
22 consistent with this Act, to the Office of the Governor and  
23 shall make such plan available to the public on the  
24 data.illinois.gov web portal. Each State agency shall  
25 collaborate with the Governor's Office and the Chief  
26 Information Officer in formulating its plan. The plan shall

1 include:

2 (1) a summary description of public data sets under the  
3 control of each State agency on or after the effective date  
4 of this Act; and

5 (2) a summary explanation of how its plans, charters,  
6 budgets, capital expenditures, contracts, and other  
7 related documents and information for each information  
8 technology and telecommunications project it proposes to  
9 undertake can be utilized to support Illinois Open Data and  
10 related savings and efficiencies.

11 The plan shall prioritize public data sets for inclusion on  
12 the single web portal on or before December 31, 2014, in  
13 accordance with the standards provided for in subsections (b)  
14 and (c) of this Section.

15 (f) For purposes of prioritizing public data sets, State  
16 agencies shall consider whether information embodied in the  
17 public data set:

18 (1) can be used to increase agency accountability and  
19 responsiveness;

20 (2) improves public knowledge of the agency and its  
21 operations;

22 (3) furthers the mission of the agency;

23 (4) creates economic opportunity;

24 (5) is received via the on-line forum for inclusion of  
25 particular public data sets; or

26 (6) responds to a need or demand identified by public

1           consultation.

2           (g) No later than July 1, 2014 and every July 1 thereafter,  
3 the Chief Information Officer shall post on the web portal an  
4 update of the compliance plan. Each update shall include the  
5 specific measures undertaken to make public data sets available  
6 on the single web portal since the immediately preceding  
7 update, specific measures that will be undertaken prior to the  
8 next update, an update to the list of public data sets if  
9 necessary, any changes to the prioritization of public data  
10 sets, and an update to the timeline for the inclusion of data  
11 sets on the single web portal if necessary.

12           (h) Consistent with both the Executive Order 10 (2010)  
13 directive requiring State agencies to limit information  
14 technology expenditures by increasing the use of cloud  
15 computing where appropriate, and with the initiatives and  
16 standards announced in the United States Department of Homeland  
17 Security publication "Federal Cloud Computing Strategy" dated  
18 February 8, 2011, all State agencies are required to evaluate  
19 safe, secure cloud computing options, before making any new  
20 information technology or telecommunications investments, and,  
21 if feasible, adopt appropriate cloud computing solutions. Each  
22 State agency shall re-evaluate its technology sourcing  
23 strategy to include consideration and use of cloud computing  
24 solutions as part of the budget process.

25           Section 25. Open data legal policies.

1           (a) The Chief Information Officer shall conspicuously  
2 publish the open data legal policies contained in subsection  
3 (c) of this Section on the web portal.

4           (b) The Chief Information Officer may establish and  
5 maintain an on-line forum to solicit feedback from the public  
6 and to encourage public discussion on open data policies and  
7 public data set availability on the web portal.

8           (c) The use of the public data provided under this Act is  
9 subject to the following:

10           (1) Public data sets made available on the web portal  
11 are provided for informational purposes only. The State  
12 does not warrant the completeness, accuracy, content, or  
13 fitness for any particular purpose or use of any public  
14 data set made available on the web portal, nor are any such  
15 warranties to be implied or inferred with respect to the  
16 public data sets furnished under this Act.

17           (2) The State is not liable for any deficiencies in the  
18 completeness, accuracy, content, or fitness for any  
19 particular purpose or use of any public data set or any  
20 third party application utilizing such data set.

21           (3) Nothing in this Act shall be construed to create a  
22 private right of action to enforce its provisions.

23           (4) All public data sets shall be entirely in the  
24 public domain for purposes of federal copyright law.

25           Section 30. General provisions.

1           (a) To the extent that any Executive Order, Administrative  
2 Order, Intergovernmental or Interagency Agreement (to which  
3 the State of Illinois or one of its executive branch agencies  
4 is a party), or other policy, procedure, or protocol conflicts  
5 with, contradicts, or is inconsistent with any provision of  
6 this Act, that conflicting, contradicting, or inconsistent  
7 Order, Agreement, policy, procedure, or protocol is hereby  
8 expressly revoked, repealed, and superseded.

9           (b) Nothing in this Act shall be construed to contravene  
10 any State or federal law or any collective bargaining  
11 agreement.

12           (c) Executive Order 12-03 is superseded by this Act.

13           Section 35. Severability. The provisions of this Act are  
14 severable under Section 1.31 of the Statute on Statutes.

15           Section 99. Effective date. This Act takes effect upon  
16 becoming law."